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DRAFT REPORT ON SATELLITE RECONNAISSANCE PROGRAMS

NOTE

This report and its recommendations do not include examination of possible private disclosure of US reconnaissance satellite capabilities to the Soviet leadership.

OBJECTIVES

To develop a policy with respect to United States reconnaissance programs which will:

- A. Maintain our freedom of action unilaterally to conduct reconnaissance satellite operations.
- B. Prevent foreign political and physical interference with the conduct of these operations.
- C. Prevent accidental or forced disclosure of details of the operations or end products of the US satellite reconnaissance program.
- D. Avoid situations, statements or actions which, in the context of our satellite reconnaissance program, could later be exploited as evidence either of alleged US aggressiveness or duplicity.
- E. Facilitate the resolution of any conflicts which might arise between the essential technical and security requirements of the US satellite reconnaissance program and the international commitments and foreign policy objectives of the United States in a manner which is in the over-all best interests of the national security of the United States.

DISCUSSION

1. The essential security and technical requirements of the US reconnaissance satellite program are not incompatible with foreign policy objectives enunciated by the US, nor do they conflict with existing commitments assumed by the US in international agreements on outer space matters.

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2. The US is not at present legally bound to observe any commitments regarding the use of outer space. However, as a matter of national policy, the US does consider itself bound to comply with the United Nations General Assembly Resolution 1721 (XVI), which the US drafted and sponsored and which was unanimously adopted by the UNGA on December 20, 1961. That Resolution "commends to States for their guidance in the exploration and use of outer space" two principles:

(a) International law, including the Charter of the United Nations, applies to outer space and celestial bodies;

(b) Outer space and celestial bodies are free for exploration and the use by all States in conformity with international law, and are not subject to national appropriation.

3. Pursuant to UNGA Resolution 1721, the United States now registers all satellite launchings with the UN. There is no internationally agreed formula governing the data provided for registration with the United Nations.

4. Also pursuant to UNGA Resolution 1721, the US has taken part in the work of the UN Outer Space Committee. At the recent meetings of the Committee's Legal Subcommittee in Geneva, the US proposed:

(a) A draft General Assembly resolution regarding assistance to and return of space vehicles and their occupants, and

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(b) A draft resolution requesting the Secretary General of the United Nations to constitute a panel of experts to draft an international agreement dealing with liability of launching states and international organizations for injury, loss or damage caused by space vehicles.

These proposals were carefully framed so as not to affect the US reconnaissance satellite program. It should be noted, however, that the issue of banning reconnaissance satellites was specifically raised by the Soviets in a Draft Declaration of Principles. The question of exempting reconnaissance satellites from any agreement to return space vehicles inadvertently landing on the territory of other states was also raised not only by the Bloc, but by some other countries as well. The Legal Subcommittee was unable to reach agreement on any substantive issues. The US Delegation in the Outer Space Technical Subcommittee, which met concurrently, proposed that reports on general national plans for international space activities be submitted to the Outer Space Committee and agreement was reached on this point. It was made clear by the United States (and by the Soviet Union) that such information will be submitted on a purely voluntary basis and at the discretion of the reporting state.

5. There are at present no international agreements on disarmament or arms control. However, the present US disarmament proposal, to which we

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are committed, includes a provision which would affect the reconnaissance satellite program. The Treaty Outline on General and Complete Disarmament of April 18, 1962, includes as a measure in Stage One provision for prohibition of "the placing into orbit of weapons capable of producing mass destruction." For verification of this measure, inspection of vehicles and advance notification of all launchings of space vehicles and missiles, including information on the track of the space vehicles or missiles, would be provided. In addition, the International Disarmament Organization would establish any arrangements necessary for detecting unreported launchings. Finally, the production, stockpiling and testing of boosters for space vehicles would be subject to agreed limitations. The US is also committed to consideration of a possible separate disarmament agreement limited to banning weapons of mass destruction from outer space. We have not, however, advanced specific provisions of such an agreement.

6. It is clear that in negotiations involving outer space and disarmament certain issues have been or will be raised that have serious implications for the US reconnaissance satellite program and on which the US position must be carefully formulated and vigorously defended. Our negotiating posture is weakened, however, by current security restrictions that prevent us from making a full and convincing explanation of our position

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to allies and friendly neutrals. We are increasingly in danger of being isolated in negotiations on seemingly minor issues, whose implications are better understood by our enemies than our friends.

A careful review of official statements on US plans for a reconnaissance satellite program, of present free world attitudes toward the concept of satellite reconnaissance, and of the probable extent of Soviet knowledge of our program, indicates that the US might privately seek support from allies and certain neutrals by impressing upon them the importance of the program to the free world, the requirements it imposes on US negotiating positions on outer space and disarmament matters, and US determination to protect and pursue the program.

7. Public official statements, budgetary funding of the reconnaissance satellite program, and limited publicity about launching of developmental vehicles associated with the program, have committed the US to some degree of public acknowledgment of this program. Intent to develop a reconnaissance capability is on record. No official statement has indicated what results might have been achieved or information obtained from satellite reconnaissance.

8. The existence of a US requirement for effective intelligence on the Sino-Soviet bloc is generally clear to the leaders of the principal countries of the free world, as well as to official, military and some other groups in those countries. Available evidence indicates that these elements

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generally support US efforts to develop reconnaissance satellite systems. In some cases, US activities in connection with satellites (not specifically reconnaissance satellites) have elicited concern. In Japan, for example, there has been reluctance to cooperate with NASA on the establishment of US tracking facilities because of suspicion that military activities might be or become involved. In Zanzibar and Nigeria also some groups have argued that the presence of US tracking stations is inconsistent with a neutralist posture since the stations may involve US activities of a military nature. These scattered evidences of concern suggest that a concerted Sino-Soviet bloc campaign attributing sinister and threatening motives to US military (including reconnaissance) satellite programs might elicit a favorable and sympathetic reaction not only from anti-US elements, but also from some others concerned over any heightening of international tension. US private diplomatic efforts to gain support for the concept of the right of space reconnaissance would probably counteract the Soviet campaign to some degree, though it is unlikely that the US could at this time gain widespread support for a positive affirmation in the UN or other international forum of the right to conduct space reconnaissance.

9. It is particularly important that the US avoid public statements about our satellite operations that would pose a direct political challenge to the Soviet Union on the sensitive issue of reconnaissance. The Soviets

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would feel compelled for reasons of prestige to react very strongly by any of a variety of political means to such statements. Similarly, if the Soviets were able to obtain any convincing evidence of the US activity they might, even if not compelled to do so, use the opportunity to launch a major political offensive against the US in an effort to end the reconnaissance program.

10. There can be little doubt that the USSR is aware that the US is engaged in a reconnaissance satellite program, though they are probably in some doubt as to its precise effectiveness. Even in this respect, by extrapolating from known U-2 photographic equipment, they can probably make a reasonable estimate of the resolution of cameras that such a satellite could have. There is reason to believe that the Soviets are developing an anti-satellite weapons system and they may have some capability for anti-satellite operations by 1963. While the US probably cannot keep the Soviets from attempting physical anti-satellite measures, our objective should be to make the Soviets pay a political price for doing so by creating a climate of acceptance of the principle of freedom of space. US handling of its public relations on reconnaissance operations, and on US development of anti-satellite capabilities, will have an important bearing on this question. Moreover, there are a series of technical measures which the US can use to counter hostile active countermeasures. On balance, it seems probable that from a technical point of view it should be possible by concerted efforts to maintain an effective reconnaissance program despite hostile countermeasures.

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RECOMMENDATIONS

General Principles

1. The United States should maintain the legal position that the principles of international law and the UN Charter apply to activities in outer space and, specifically, that all of outer space is free, just as are the high seas. The US should therefore continue to avoid any position declaring or implying that observation (reconnaissance) activities in outer space are not "peaceful use," and are not legitimate.

2. The US should, to the extent feasible, seek to avoid public use of the term "reconnaissance," and where appropriate use instead such terms as "observation of the earth," or "photographic satellites."

Further studies should be made to determine whether there are releaseable data, such as mapping information, which would help create wider public acceptance of space observation and photography. The argument should be made along the following lines:

International law permits observation of the earth from outer space whether by visual, electronic, photographic, or other means. Such action is peaceful in character, and does not interfere with other activities on earth or in space. For example, we consider that the observations made by Major Titov while aboard Vostok II, as indeed any other observation which the USSR may be conducting from outer space are peaceful. Observation of the earth from satellites makes possible the accomplishment of many tasks beneficial to mankind, such as weather forecasting, resource surveys, mapping, and geodesy. Many such activities have military applications, but this does not mean that they are non-peaceful.

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At the same time, it is recognized that the US cannot entirely avoid or disclaim interest in reconnaissance, since to attempt to do so would be unconvincing, would render the US vulnerable to charges of deceit and evasiveness, and would preclude efforts to broaden acceptance of the principle of legitimacy of space reconnaissance. Therefore, where feasible the US should also seek to gain acceptance of the principle of the legitimacy of space reconnaissance, although we should avoid pressing the issue to a decision in any world forum unless and until we believe we could carry a majority on the issue. ||

As a step in gaining such acceptance, certain international legal bodies composed of Allied countries, such as the Legal Advisers to NATO, offer opportunities for furthering acceptance of the principle of the legitimacy of space reconnaissance. P

3. In the face of a sustained Soviet campaign to outlaw reconnaissance activities in space, the US may be compelled to take a public stand on the legitimacy of the principle of reconnaissance from outer space. In this case, the US should to the extent feasible continue to base its position on the above two general principles, but it would probably become necessary to make explicit and clear our position that reconnaissance from areas beyond the sovereignty of a state is not unlawful, and is not in itself aggressive or a violation of the United Nations Charter. Specific tactical reactions would depend on the form and circumstances of the Soviet political assault.

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Disclosure and Public Information

4. The US should not at this time attempt to conduct a truly clandestine program (by which we mean a program with covert and unregistered launchings, and public denial that the US is engaged in reconnaissance), for the following reasons:

(a) it is already officially acknowledged that we are developing a satellite reconnaissance capability;

(b) it could be used to undermine our claim to legitimacy; and

(c) it could tend to discredit our integrity by forcing the US to violate or alter present registration practices pursuant to the UN resolution which we ourselves proposed, and which was unanimously adopted by the General Assembly (UNGA Resolution 1721-XVI). However, it is recognized that if the USSR should employ effective countermeasures, drastic changes in present operating procedures may be necessary, perhaps including establishment of new launch sites which would permit truly secret launchings. The US should therefore investigate the technical requirements <sup>over R + D programs</sup> for a standby capability for clandestine operations in case circumstances ever make such operations necessary, even though such operations are not now planned.

5. It does not appear practicable to attempt to submerge our space reconnaissance programs in the over-all NASA scientific space program. The present practice of not identifying individual military space launchings

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by mission or purpose is sound. However, current public information practice tends to focus speculation on the very program we wish not to publicize. We believe that there should be more open (but not more detailed) public reference to the general over-all military program, whose stated objectives would purposely be left vague and broad (space research, communications, observation, and the like). Information officers could announce or refer to all launchings in terms of a single over-all military program. To be successful such a program requires elimination of any differential in publicity between various shots, and requires that all launchings uniformly be given broad generalized descriptions. It should be stated, when the question arises, that the US has no program for satellite or space weapons. *to*

6. The US should not, at this time, publicly disclose the status, extent, effectiveness or operational characteristics of its reconnaissance program. Strict control over public statements and backgrounding concerning reconnaissance satellites should be exercised to ensure consistency with the policy guide-lines suggested in these recommendations. Satellite reconnaissance should not be associated with possible future weapons-carrying satellites, since relationships to disarmament and other matters differ. As little public attention as possible should be given to development of anti-satellite capabilities, and any publicized demonstration of developmental work toward such a capability should require White House approval, with full account

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given to the adverse effects for our reconnaissance satellite program. We should avoid any indications that physical countermeasures to reconnaissance vehicles would be justified, and as appropriate the US should make a positive effort to propagate the idea that interference with or attacks on any space vehicle in peacetime are inadmissible and illegal.

7. The US should discreetly disclose to our allies and selected neutrals the fact that the US <sup>has major</sup> is engaged in a space reconnaissance program, making each disclosure in a manner that will preserve the essential security of our program while impressing upon them its importance for the security of the Free World.

In order to preclude the acquisition by the Communist Bloc of usable evidence of an official US acknowledgment of a policy to conduct satellite reconnaissance over Bloc territory, disclosures should generally be made to selected representatives of one government at a time, avoiding disclosures in international forums (except for the NATO Council). Disclosures should also be made on a verbal basis only, without written aide memoires or other documentary evidence remaining with the country involved.

In carrying out the foregoing controlled disclosure procedures it should be stressed to recipients that the US will not be pressured out of this program, and that their cooperation is essential in parrying

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Soviet efforts to apply such pressure. The US should note that, except in some cases for specifically defined disarmament agreements, the US cannot agree to (a) declarations of the precise purpose of all satellites, (b) declarations of the equipment of all satellites, (c) general requirements for advance notification of all satellite launchings and the tracks of satellites, (d) pre-launch inspection of the satellites, or (e) a specific definition of peaceful uses of space which does not embrace unlimited observation.

8. The US should stand by the disarmament proposal for a Stage One provision banning weapons of mass destruction in space, and providing for advance notification and inspection of all space launchings to insure that ban. The US should continue to exclude any ban on reconnaissance satellites.

9. The US should <sup>not</sup> ~~omit references to satellites or space vehicles in~~ <sup>in disarmament negotiations</sup> any proposal for notifications of long-range missile firings, <sup>or satellites</sup> ~~military movements, etc.~~, as part of a proposal for measures to "reduce the risks of war." If attention should be drawn to such omission in subsequent debate and it would seem to be incriminating to oppose the addition of reference to them, disarmament negotiators should be authorized in advance as a fall-back position to agree to advance notification of satellite launchings along with notification of intermediate and inter-continental missile firings.

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10. The US is now committed to a discussion of the possibility of a separate arms control agreement banning all weapons of mass destruction from being carried in satellites or spacecraft, with appropriate verification controls. This proposal does not include a ban on reconnaissance satellites. The members of this Committee are not agreed on the net advisability of this proposal, which of course depends on political considerations apart from its effect on the reconnaissance satellite program. They are agreed that no such proposal should be tabled until the question has been reviewed by the Committee of Principals on Disarmament, with careful consideration of the present report. The Representatives of Defense, CIA, \_\_\_\_\_, and \_\_\_\_\_ do not believe that the US should advance such a proposal, because of the possible harm to the reconnaissance program and the limited value of the proposal. The Representatives of the Arms Control and Disarmament Agency, \_\_\_\_\_, and \_\_\_\_\_ believe such dangers can be controlled and that the measure is in net an advantageous initiative for the US. Arguments pro and con are summarized below.

Arguments Pro:

The USSR is unlikely to accept such a proposal, but the US record of willingness to make such an agreement would bring favorable world reactions. It is easier to prevent armament of space than to get agreement to

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subsequent disarmament after the arms race had been extended to outer space. An agreement along the lines proposed by the US could make a positive contribution to the national security in that it would help curb the arms race in an area of potential military significance and reduce the threat of technological surprise in an area where the Soviet Union, by virtue of its greater payload capabilities, enjoys present advantage. Moreover, since the US has committed itself to examining such a proposal, reversal of our position would raise doubts as to the sincerity of US public statements and disarmament positions, and perhaps adversely affect other political interests as well. Reconnaissance vehicles would not be included, and such further compromise of secrecy of our reconnaissance program as might result from Soviet claims that inspection for nuclear weapons revealed presumptive evidence of reconnaissance would be largely offset by their very acceptance of an agreement which did not ban reconnaissance. The Soviet disarmament proposal itself provides for a ban on weapons in orbit and does not include a ban

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on reconnaissance. Also, agreement on such a measure would create a political context in which Soviet hostile countermeasures would be more politically costly to them, although advance notification might assist hostile countermeasures.

Arguments Con:

The USSR would use the occasion of debate on such a ban to attack reconnaissance satellites, and might try to blame failure of agreement on US refusal to include a ban on reconnaissance. It is important also to bear in mind the possibility that the Soviets might decide it was important enough to them to stop our reconnaissance program actually to agree to an inspected ban on weapons plus reconnaissance uses of outer space. If the USSR agreed to a ban on nuclear weapons in orbit, but excluding reconnaissance, they would learn much about our reconnaissance operations (even though the degree of inspection would not provide details such as resolution of photography), and would be aided in physical active and passive countermeasures by advance notification of launchings.

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